

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PROBITY ENTERPRISES, INC.,	:	Case No. 3:19-cv-85
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
vs.	:	(mediation referral)
	:	
LEGION LOGISTICS, LLC,	:	
	:	
Defendant.	:	
	:	

ORDER FOR COURT-CONDUCTED MEDIATION

The above-captioned case is hereby set for mediation *via telephone* at **10:00 a.m.** on **April 9, 2021**. The terms and conditions of the mediation are as follows:

Designation of Mediator: Magistrate Judge Sharon L. Ovington will serve as the mediator in this case.

Preparation for Mediation: No later than **5:00 p.m.** on **April 6, 2021**, each party shall submit a mediation conference statement in letter form, to Judge Ovington's chambers (via email at Ovington_Chambers@ohsd.uscourts.gov), with copy to opposing counsel. Mediation statements are not to be filed on the Court's docket. The mediation statement shall set forth: (1) the relevant positions of the parties concerning factual issues; (2) issues of law; (3) damages; and (4) the settlement-negotiation history of the case, including a recitation of any specific demands and offers previously made. Additionally, the mediation statement must include the telephone number for the Court to contact

counsel *directly*. These statements will be maintained by the Court separate and apart from the case file.

Confidential Mediation Statements: Each party may—but is not required to—submit to Judge Ovington (via email at Ovington_Chambers@ohsd.uscourts.gov), a confidential mediation statement designated “Mediator’s Eyes Only.” Such confidential statements will not be revealed to any person or entity, including any party involved in the mediation or case. The confidential mediation statements will be maintained separate and apart from the case file. Submitting a confidential mediation statement does not relieve a party of its duty to submit and exchange the mediation conference statement as the previous paragraph requires.

Attendance and Participation: Unless excused by the Court, the parties or party representatives with complete authority to negotiate a settlement of the case shall attend the mediation session.

Confidentiality: Pursuant to S.D. Ohio Civ. R. 16.3(c), all statements made by the parties relating to the substance or merits of claims or defenses made in the case, whether written or oral, made for the first time during the mediation conference or in the required mediation conference statements, shall be kept confidential by the Court, the parties, and counsel. Such statements shall not be admissible as evidence, for any reason, during the trial of this case.

IT IS SO ORDERED.

February 22, 2021

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge